

1 GEORGE W. NOWELL, SBN: 83868
2 PAUL B. ARENAS, SBN: 167863
3 JOHN H. CIGAVIC III, SBN 231806
4 LAW OFFICES OF GEORGE W. NOWELL
5 120 Montgomery Street, Suite 1990
San Francisco, CA 94104
Telephone: (415) 362-1333
Facsimile: (415) 362-1344
5 **Attorneys for Defendant**
BAX GLOBAL INC.

6 MICHAEL J. CUMMINS, SBN: 184181

7 mcummins@gibsonrobb.com

8 GIBSON ROBB & LINDH LLP

9 100 First Street, 27th Floor

10 San Francisco, CA 94105

11 Telephone: (415) 348-6000

12 Facsimile: (415) 348-6001

13 **Attorneys for Plaintiffs**

14 THE NISSAN FIRE AND MARINE

15 INSURANCE COMPANY, LTD., and

16 HITACHI DATA SYSTEMS CORP.

17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**
(SAN FRANCISCO DIVISION)

19 THE NISSAN FIRE AND MARINE) CASE NO.: C 02-02516 JSW
20 INSURANCE COMPANY, LTD., AND)
21 HITACHI DATA SYSTEMS CORP.,)
Plaintiffs/Appellee,)
v.)
22 BAX GLOBAL INC., AND CATHAY)
PACIFIC AIRWAYS, LTD.,)
Defendants/Appellant.)
-----)

23 **RECITATIONS**

24 WHEREAS this Court entered judgment in this lawsuit on May 11, 2006 in favor of
25 plaintiffs THE NISSAN FIRE AND MARINE INSURANCE COMPANY, LTD., AND
26 HITACHI DATA SYSTEMS CORP (collectively "plaintiffs" or "HITACHI") against Defendant
27 BAX GLOBAL INC. ("Defendant" or "BAX") in the amount of \$156,184.17 (the "judgment").

28 WHEREAS on June 11, 2008, the Ninth Circuit reversed in part and affirmed in part this

1 this Court's judgment, and thus remanded the matter for further proceedings;

2 WHEREAS BAX has maintained a supersedeas bond throughout the duration of the
3 appeal and premium for said bond is now coming due;

4 WHEREAS the purpose of said bond to cover the judgment is no longer applicable; and

5 WHEREAS the parties have met and conferred and agree that it is no longer necessary
6 for BAX to maintain the appeal bond.

7 **STIPULATION**

8 The parties hereto hereby stipulate, and the Court hereby orders that BAX is relieved of
9 any and all obligations to maintain the supersedeas bond previously approved by the Court.

10
11 Dated: May 8, 2009

LAW OFFICES OF GEORGE W. NOWELL

12
13 By: _____ /S/
14 PAUL B. ARENAS
15 Attorneys for Defendant
16 BAX GLOBAL INC.
17
18
19
20
21
22
23
24
25
26
27
28

1
2 Dated: May 8, 2009
3

GIBSON ROBB & LINDH

4 By: _____ /S/
5 MICHAEL J. CUMMINS
6 Attorneys for Plaintiff
7 THE NISSAN FIRE AND MARINE INSURANCE
8 COMPANY, LTD., AND HITACHI DATA
9 SYSTEMS CORP.,
10
11

ORDER

11 THE FOREGOING STIPULATION IS APPROVED AND IS SO ORDERED.
12

13 DATED: May 12, 2009
14


15 Hon. Jeffrey S. White
16 UNITED STATES DISTRICT COURT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28